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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,271	04/19/2004	Taku Takahama	040302-0393	9395
22428	7590	09/26/2006	EXAMINER RATCLIFFE, LUKE D	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ART UNIT 3662	PAPER NUMBER

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,271	<b>Applicant(s)</b> TAKAHAMA ET AL.	
	<b>Examiner</b> Luke D. Ratcliffe	<b>Art Unit</b> 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3 and 10-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claim 1, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (20020032515).**

Referring to **claims 1, 14, and 15**, Nakamura shows a vehicle external recognition system with a relative position detection section (paragraph 6), a relative velocity calculating section (paragraph 5 and paragraph 12), a vehicle velocity detecting section (paragraph 54), and a motion attribute discriminating section (paragraph 10-28).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (20020032515) in view of Cameron (6750805).**

Referring to **claim 2**, Nakamura shows a vehicle external recognition system with a relative position detection section (paragraph 6), a relative velocity calculating section (paragraph 5), a vehicle velocity detecting section (paragraph 54), and a motion

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attribute discriminating section (paragraph 10-28). However Nakamura is silent on the number of calculations of relative velocity that are completed with the number of different initial values that are present.

Cameron shows a plurality of calculations that are completed with the number of different initial values that are present. It would have been obvious to modify Nakamura to have multiple calculations of relative velocity as taught by Cameron because this allows the accuracy of the final value to be increased (Cameron column 2 lines 25-45).

Referring to **claim 4**, it would be obvious to calculate relative velocity candidates by using identical dynamic characteristics because this allows for the candidates to be comparable, without using identical dynamic characteristics they would not be able to be compared.

Referring to **claim 5**, Nakamura shows a plurality of initial values that include either one of a value corresponding to a case wherein the detected object is supposed to be preceding vehicle running at the same velocity as the vehicle and a value corresponding to a case wherein the detected object is supposed to be a stationary object (paragraph 15-20).

Referring to **claim 6**, Nakamura shows a discriminating section that discriminates the motion attribute based on a relative velocity candidate calculated based on the value corresponding to the case wherein the detected object is supposed to be the stationary object (paragraph 15-20).

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Referring to **claim 7**, Nakamura shows a relative velocity determined by the relative velocity determining section is used as a state variable of a running control section that control a state of the vehicle (paragraph 9 and 18).

Referring to **claim 8**, Nakamura shows a relative velocity determining section that determines the relative velocity candidate as the relative velocity so as to realize a control characteristic required to the running control section based upon the motion attribute discriminated by the motion attribute discriminating section (paragraph 10-28).

Referring to **claim 9**, Nakamura shows a running control section that control a braking force of the vehicle based on the relative velocity determined by the relative velocity determining section (paragraph 60).

Claims **3, and 10-13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed 6/21/06 have been fully considered but they are not persuasive. Nakamura does teach a relative velocity determining section as shown in paragraph 5 and 12 and then uses the relative velocity detection to determine if the object is stationary or not. The final outcome is the determination of a stationary or mobile object however this is determined by the use of the relative velocity.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR

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